

AMENDED IN SENATE MAY 13, 2003  
AMENDED IN SENATE APRIL 28, 2003  
AMENDED IN SENATE MARCH 24, 2003

**SENATE BILL**

**No. 780**

**Introduced by Senator Torlakson**  
**(Coauthor: Senator Speier)**

February 21, 2003

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An act to amend Sections 210, 21455.7, and 40518 of, to add Sections 212, 4760.2, 4761.1, 4762.1, 4763.1, 4764.1, 4765.1, 12810.3, 40518.5, 40520.5, 40520.6, 40520.7, 40520.8, 40520.9, 40520.10, 40520.11, 40520.12, and 40520.13 to, and to repeal and add Section 21455.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 780, as amended, Torlakson. Vehicles: violations: automated enforcement systems.

(1) Existing law defines an “automated enforcement system” as any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal, as specified, and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

This bill would revise that definition to delete the requirement that the system be designed to obtain a clear photograph of the driver of the vehicle, *and, instead, would require a clear photograph of the vehicle and that vehicle’s license plate.*

(2) Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an

automated enforcement system, as defined, if the system meets certain requirements, and provides a procedure for criminal adjudication of alleged violations recorded by that system.

This bill, instead, would require those violations to be cited as civil violations, subject to a *specified* civil penalty ~~of not more than \$200~~ and a specified administrative adjudication process. The bill would exempt those violations from a specified traffic violation point count process.

The bill would make conforming changes to existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 210 of the Vehicle Code is amended to  
2 read:

3 210. An “automated enforcement system” is any system  
4 operated by a governmental agency, in cooperation with a law  
5 enforcement agency, that photographically records a driver’s  
6 responses to a rail or rail transit signal or crossing gate, or both, or  
7 to an official traffic control signal described in Section 21450, and  
8 is designed to obtain a clear photograph of ~~a~~ *the vehicle and that*  
9 vehicle’s license plate.

10 SEC. 2. Section 212 is added to the Vehicle Code, to read:

11 212. An “automated violation” is a violation of Section  
12 21453, 21455, or 22101 that is cited as a civil violation under  
13 Section 21455.5.

14 SEC. 3. Section 4760.2 is added to the Vehicle Code, to read:

15 4760.2. (a) (1) Except as provided in subdivision (b), the  
16 department shall refuse to renew the registration of any vehicle if  
17 the registered owner or lessee has been mailed a notice of  
18 delinquent automated violation, the processing agency has filed or  
19 electronically transmitted to the department an itemization of  
20 failure to pay penalties, including administrative fees, and the  
21 owner or lessee has failed to pay the penalty and administrative  
22 fee, unless he or she pays to the department, at the time of  
23 application for renewal, the full amount of all outstanding  
24 automated violation penalties and administrative fees, as shown by  
25 records of the department.

26 (2) When the department receives the full amount of all  
27 outstanding penalties and administrative fees under paragraph (1),

1 it shall issue a receipt showing each automated violation and  
2 administrative fee that has been paid, the processing agency for  
3 that penalty and fee, and a description of the vehicle involved in  
4 each automated violation.

5 (b) The department may not refuse to renew the registration of  
6 any vehicle owned by a renter or lessor if the applicant provides  
7 the department with an abstract or notice issued under subdivision  
8 (c) that clears all outstanding automated violation penalties and  
9 administrative fees shown in the records of the department.

10 (c) The court or designated processing agency shall issue an  
11 abstract or notice of disposition of automated violations to the  
12 renter or lessor of a vehicle issued a notice of a delinquent  
13 automated violation, if the renter or lessor provides the court or  
14 processing agency with the name, address, and driver's license  
15 number of the rentee or lessee at the time of occurrence of the  
16 automated violation.

17 SEC. 4. Section 4761.1 is added to the Vehicle Code, to read:

18 4761.1. The department shall include on each potential  
19 registration card issued for use at the time of renewal, or on an  
20 accompanying document, an itemization of unpaid automated  
21 violations, including administrative fees, showing the amount  
22 thereof and the jurisdiction that issued the notice of automated  
23 violation.

24 SEC. 5. Section 4762.1 is added to the Vehicle Code, to read:

25 4762.1. The department shall remit all automated violation  
26 penalties and administrative fees collected, after deducting the  
27 administrative fee authorized under Section 4763.1, for each  
28 notice of delinquent automated violation for which penalties and  
29 administrative fees have been collected under Section 4760.2, to  
30 each jurisdiction in the amounts due to each jurisdiction according  
31 to its unadjudicated notices of delinquent automated violations.  
32 Within 45 days after the time penalties are recorded by the  
33 department, the department shall inform each jurisdiction as to  
34 which of the jurisdiction's notices of delinquent automated  
35 violation have been discharged.

36 SEC. 6. Section 4763.1 is added to the Vehicle Code, to read:

37 4763.1. The department shall assess a fee for recording  
38 notices of delinquent automated violation filed under Section  
39 40520.6, in an amount determined by the department to be  
40 sufficient to provide a total amount equal to the department's

1 actual costs in administering Sections 4760.2, 4761.1, 4762.1,  
2 4764.1, and 4765.1.

3 SEC. 7. Section 4764.1 is added to the Vehicle Code, to read:

4 4764.1. If a vehicle is transferred or not renewed for two  
5 renewal periods and the former registered owner or lessee of the  
6 vehicle owes a penalty for a notice of delinquent automated  
7 violation filed with the department under Section 40520.6, the  
8 department shall notify each jurisdiction of that fact. After making  
9 that notification, the department is not required to attempt  
10 collection of the undeposited automated violation penalty and  
11 administrative fees.

12 SEC. 8. Section 4765.1 is added to the Vehicle Code, to read:

13 4765.1. No exemption from the payment of any fee imposed  
14 under this code is an exemption from the obligation of a registered  
15 owner or lessee to pay the full amount of automated violation  
16 penalties and administrative fees under Section 4760.2.

17 SEC. 9. Section 12810.3 is added to the Vehicle Code, to read:

18 12810.3. No violation point count may be given for a  
19 violation of Section 21453, 21455, or 22101 that is cited as a civil  
20 violation under Section 21455.5.

21 SEC. 10. Section 21455.5 of the Vehicle Code is repealed.

22 SEC. 11. Section 21455.5 is added to the Vehicle Code, to  
23 read:

24 21455.5. (a) The limit line, intersection, or crosswalk  
25 described in Section 21453 or 22101, or the places described in  
26 Section 21455, where a stop is required, may be equipped with an  
27 automated enforcement system to record violations of Section  
28 21453, 21455, or 22101, if the governmental agency utilizing the  
29 system complies with either of the following:

30 (1) The system is identified by signs located not less than 200  
31 feet from the limit line, intersection, crosswalk, or other place  
32 where a stop is required, clearly indicating that the system is being  
33 utilized.

34 (2) Signs are posted at all major entrances to the city, including,  
35 at a minimum, all entrances from freeways, bridges, and state  
36 highway routes, clearly indicating that an automated enforcement  
37 system is being utilized within the city.

38 (b) (1) Only a governmental agency, in cooperation with a law  
39 enforcement agency, may operate an automated enforcement  
40 system under this section. The governmental agency and the law

1 enforcement agency may not relinquish control of the automated  
2 enforcement system to a private entity.

3 (2) The governmental agency and the law enforcement agency  
4 shall be responsible for determining the location where the system  
5 will be used, and for the proper supervision and maintenance of the  
6 program.

7 (c) Prior to issuing the first citation for a violation recorded by  
8 the automated enforcement system, the governmental agency shall  
9 do both of the following:

10 (1) Issue warning notices instead of citations for any violations  
11 recorded during the first 30 days after the first recording unit is  
12 installed.

13 (2) Not less than 30 days prior to the commencement of the  
14 automated enforcement program, make a public announcement  
15 that the system will be utilized.

16 (d) A governmental agency that has established an automated  
17 enforcement system under this section shall compensate any  
18 involved manufacturer or vendor based solely upon the value of  
19 the equipment and services provided or rendered in support of the  
20 system. Compensation may not be based upon a portion of the civil  
21 penalty imposed, the volume of citations, or the revenue generated  
22 by the equipment.

23 (e) The automated enforcement system shall be designed to  
24 record an image of the violating vehicle and license plate thereon  
25 during the commission of the violation.

26 (f) Notwithstanding Section 6253 of the Government Code, or  
27 any other provision of law, photographic records made by the  
28 automated enforcement system shall be confidential, and shall be  
29 made available only to the following:

30 (1) Governmental agencies and law enforcement agencies, for  
31 the purpose of this article.

32 (2) The registered owner or any individual identified by the  
33 registered owner as the driver of the vehicle at the time of the  
34 alleged violation.

35 (g) Any confidential information obtained from the  
36 Department of Motor Vehicles for the administration or  
37 enforcement of this article shall be held confidential and may not  
38 be used for any purpose other than administration or enforcement  
39 of this article.

~~(h) A violation recorded by the automated enforcement system shall be cited as a civil violation, subject to a civil penalty of not more than two hundred dollars (\$200).~~

*(h) A vehicle used in the violation of an offense under paragraph (1), (2), or (3) that is recorded by the automated enforcement system shall be cited as a civil violation, subject to a civil penalty under Section 40520.9. A citation issued under this paragraph shall include a reference to this section and one of the following sections that was violated:*

*(1) Section 21453, failure to stop at a steady circular red signal or a steady red arrow signal.*

*(2) Section 21455, failure to stop at an official traffic control signal.*

*(3) Section 22101, failure to properly respond to an official traffic control device.*

(i) A violation recorded by the automated enforcement system shall be subject to the administrative adjudication process set forth in Sections 40518.5 and 40520.5. The violation shall be the responsibility of the registered owner of the vehicle recorded by the system.

(j) This section does not apply to either of the following:

(1) A notice to appear issued by a law enforcement officer for a violation of Section 21453, 21455, or 22101 that was witnessed by the officer.

(2) A notice to appear issued by a law enforcement officer under Section 40600 as a result of a traffic collision in which a violation of Section 21453, 21455, or 22101 is a contributing factor to the collision.

(k) The department shall issue citations under this section for violations that occur on a highway over which the department has primary jurisdiction. Pursuant to this requirement, the department may enter into agreements for both of the following:

(1) To provide for reimbursement to the department by the governmental agency utilizing the automated enforcement system, for services rendered by the department under this subdivision.

(2) To provide for reimbursement to the department by the appropriate governmental agency utilizing the automated enforcement system in a regional or multiagency automated

1 enforcement system program, for services rendered by the  
2 department under this subdivision.

3 SEC. 12. Section 21455.7 of the Vehicle Code is amended to  
4 read:

5 21455.7. (a) At each intersection at which there is an  
6 automated enforcement system in operation, the minimum yellow  
7 light phase interval shall be ~~four seconds~~.

8 ~~(b) A yellow light phase setting greater than the minimum~~  
9 ~~required under subdivision (a) shall be established in accordance~~  
10 ~~established in accordance~~ with the Traffic Manual of the  
11 Department of Transportation.

12 ~~(c)~~

13 (b) The governmental agency utilizing an automated  
14 enforcement system under Section 21455.5 shall certify that the  
15 system is all of the following:

16 (1) Properly installed.

17 (2) Functioning correctly.

18 (3) Calibrated upon initial installation and annually thereafter  
19 to the yellow light phase interval required under this section.

20 SEC. 13. Section 40518 of the Vehicle Code is amended to  
21 read:

22 40518. (a) Whenever a written notice to appear has been  
23 issued by a peace officer or by a qualified employee of a law  
24 enforcement agency on a form approved by the Judicial Council  
25 for an alleged violation of Section 22451 recorded by an  
26 automated enforcement system pursuant to Section 22451, and  
27 delivered by mail within 15 days of the alleged violation to the  
28 current address of the registered owner of the vehicle on file with  
29 the department, with a certificate of mailing obtained as evidence  
30 of service, an exact and legible duplicate copy of the notice when  
31 filed with the magistrate shall constitute a complaint to which the  
32 defendant may enter a plea. Preparation and delivery of a notice  
33 to appear pursuant to this section is not an arrest.

34 (b) A notice to appear shall contain the name and address of the  
35 person, the license plate number of the person's vehicle, the  
36 violation charged, including a description of the offense, and the  
37 time and place when, and where, the person may appear in court  
38 or before a person authorized to receive a deposit of bail. The time  
39 specified shall be at least 10 days after the notice to appear is  
40 delivered.



1 SEC. 14. Section 40518.5 is added to the Vehicle Code, to  
2 read:

3 40518.5. (a) For a period of 21 calendar days from the  
4 issuance of a notice of a violation of Section 21453, 21455, or  
5 22101 that was recorded by an automated enforcement system  
6 authorized under Section 21455.5, or 14 calendar days from the  
7 mailing of a notice of delinquent violation, a person may request  
8 an initial review of the notice by the issuing agency. The request  
9 may be made by telephone, in writing, or in person. There shall be  
10 no charge for this review. If, following the initial review, the  
11 issuing agency is satisfied that the violation did not occur, that the  
12 registered owner was not responsible for the violation, or that  
13 extenuating circumstances make dismissal of the citation  
14 appropriate in the interest of justice, the issuing agency shall  
15 cancel the notice of violation or notice of delinquent violation. The  
16 issuing agency shall advise the processing agency, if any, of the  
17 cancellation. The issuing agency or the processing agency shall  
18 mail the results of the initial review to the person contesting the  
19 notice.

20 (b) If the person is dissatisfied with the results of the initial  
21 review, the person may request an administrative hearing of the  
22 violation no later than 21 calendar days following the mailing of  
23 the results of the issuing agency's initial review. The request may  
24 be made by telephone, in writing, or in person. The person  
25 requesting an administrative hearing shall deposit the amount of  
26 the penalty with the processing agency. The issuing agency shall  
27 provide a written procedure to allow a person to request an  
28 administrative hearing without payment of the penalty upon  
29 satisfactory proof of an inability to pay the amount due. Notice of  
30 this procedure shall be provided to all persons requesting an  
31 administrative hearing. The administrative hearing shall be held  
32 within 90 calendar days following the receipt of a request for an  
33 administrative hearing. The person requesting the hearing may  
34 request one continuance, not to exceed 21 calendar days.

35 (c) The administrative hearing process shall include the  
36 following:

37 (1) The person requesting a hearing shall have the choice of a  
38 hearing by mail or in person. An in-person hearing shall be  
39 conducted within the jurisdiction of the issuing agency. If an  
40 issuing agency contracts with an administrative provider, hearings



1 shall be held within the jurisdiction of the issuing agency or no  
2 more than 21 miles outside the county.

3 (2) If the person requesting a hearing is a minor, that person  
4 shall be permitted to appear at a hearing or admit responsibility for  
5 the violation without the necessity of the appointment of a  
6 guardian. The processing agency may proceed against the minor  
7 in the same manner as against an adult.

8 (3) The administrative hearing shall be conducted in  
9 accordance with written procedures established by the issuing  
10 agency and approved by the governing body or chief executive  
11 officer of the issuing agency. The hearing shall provide an  
12 independent, objective, fair, and impartial review of contested  
13 violations.

14 (4) (A) The issuing agency's governing body or chief  
15 executive officer shall appoint or contract with qualified  
16 examiners or administrative hearing providers that employ  
17 qualified examiners to conduct the administrative hearings.  
18 Examiners shall demonstrate those qualifications, training, and  
19 objectivity necessary to conduct a fair and impartial review. The  
20 examiner shall be separate and independent from the citation  
21 collection or processing function. An examiner's continued  
22 employment, performance evaluation, compensation, and benefits  
23 may not, directly or indirectly, be linked to the amount of fines  
24 collected by the examiner.

25 (B) Examiners shall have a minimum of 20 hours of training.  
26 The examiner is responsible for the costs of the training. The  
27 issuing agency may reimburse the examiner for those costs.  
28 Training may be provided through (i) an accredited college or  
29 university, (ii) the American Arbitration Association or a similar  
30 established organization, or (iii) a program approved by the  
31 governing board of the issuing agency, including a program  
32 developed and provided by, or for, the agency. Training programs  
33 may include topics relevant to the administrative hearing,  
34 including, but not limited to, applicable laws and regulations,  
35 enforcement procedures, due process, evaluation of evidence,  
36 hearing procedures, and effective oral and written  
37 communication. Upon the approval of the governing board of the  
38 issuing agency, up to 12 hours of relevant experience may be  
39 substituted for up to 12 hours of training. In addition, up to eight  
40 hours of the training requirements described in this subparagraph

1 may be credited to an individual, at the discretion of the governing  
2 board of the issuing agency, based upon training programs or  
3 courses described in (i) to (iii), inclusive, that the individual  
4 attended within the last five years.

5 (5) The officer or person who issues a notice of violation may  
6 not be required to participate in an administrative hearing. The  
7 issuing agency may not be required to produce any evidence other  
8 than the notice of violation or copy thereof and information  
9 received from the Department of Motor Vehicles identifying the  
10 registered owner of the vehicle. The documentation in proper form  
11 shall be prima facie evidence of the violation.

12 (6) The examiner's decision following the administrative  
13 hearing may be personally delivered to the person by the examiner  
14 or sent by first-class mail.

15 (7) Following a determination by the examiner that a person  
16 has committed the violation, the examiner may, consistent with the  
17 written guidelines established by the issuing agency, allow  
18 payment of the penalty in installments, or an issuing agency may  
19 allow for deferred payment or allow for payments in installments,  
20 if the person provides evidence satisfactory to the examiner or the  
21 issuing agency, as the case may be, of an inability to pay the penalty  
22 in full. If authorized by the governing board of the issuing agency,  
23 the examiner may permit the performance of community service  
24 in lieu of payment of a penalty.

25 SEC. 15. Section 40520.5 is added to the Vehicle Code, to  
26 read:

27 40520.5. (a) Within 30 calendar days after the mailing or  
28 personal delivery of the final decision described in subdivision (b)  
29 of Section 40518.5, the contestant may seek review by filing an  
30 appeal to be heard by the superior court, where the same shall be  
31 heard de novo, except that the contents of the processing agency's  
32 file in the case shall be received in evidence. A copy of the notice  
33 of violation or, if the citation was issued electronically, a true and  
34 correct abstract containing the information set forth in the notice  
35 of violation shall be admitted into evidence as prima facie  
36 evidence of the facts stated therein. A copy of the notice of appeal  
37 shall be served in person or by first-class mail upon the processing  
38 agency by the contestant. For purposes of computing the  
39 30-calendar-day period, Section 1013 of the Code of Civil

1 Procedure shall be applicable. A proceeding under this subdivision  
2 is a limited civil case.

3 (b) (1) No fee may be charged for filing a notice of appeal.  
4 The court shall request that the processing agency's file on the case  
5 be forwarded to the court, to be received within 15 calendar days  
6 of the request.

7 (2) The court shall notify the contestant of the appearance date  
8 by mail or personal delivery. Any deposit of penalty shall be  
9 refunded by the processing agency in accordance with the  
10 judgment of the court.

11 (c) The conduct of the appeal under this section is a subordinate  
12 judicial duty that may be performed by traffic trial commissioners  
13 and other subordinate judicial officials at the direction of the  
14 presiding judge of the court.

15 (d) If no notice of appeal of the processing agency's decision  
16 is filed within the period set forth in subdivision (a), the decision  
17 shall be deemed final.

18 (e) If the penalty has not been deposited and the decision is  
19 against the contestant, the processing agency shall proceed to  
20 collect the penalty after the decision becomes final.

21 SEC. 16. Section 40520.6 is added to the Vehicle Code, to  
22 read:

23 40520.6. The processing agency shall proceed under only one  
24 of the following options in order to collect an unpaid automated  
25 violation penalty:

26 (a) File an itemization of unpaid automated violation penalties  
27 and service fees with the department for collection with the  
28 registration of the vehicle under Section 4760.2.

29 (b) If more than four hundred dollars (\$400) in unpaid penalties  
30 and fees have been accrued by a person or registered owner, proof  
31 thereof may be filed with the court with the same effect as a civil  
32 judgment. Execution may be levied and other measures may be  
33 taken for the collection of the judgment as are authorized for the  
34 collection of an unpaid civil judgment entered against a defendant  
35 in an action on a debtor. The court may assess costs against a  
36 judgment debtor to be paid upon satisfaction of the judgment. The  
37 processing agency shall send a notice by first-class mail to the  
38 person or registered owner indicating that a judgment shall be  
39 entered for the unpaid penalties, fees, and costs and that, after 21  
40 calendar days from the date of the mailing of the notice, the

1 judgment shall have the same effect as an entry of judgment  
2 against a judgment debtor. The person or registered owner shall  
3 also be notified at that time that execution may be levied against  
4 his or her assets, liens may be placed against his or her property,  
5 his or her wages may be garnished, and other steps may be taken  
6 to satisfy the judgment. If a judgment is rendered for the  
7 processing agency, that agency may contract with a collection  
8 agency to collect the amount of that judgment. Notwithstanding  
9 any other provision of law, the processing agency shall pay the  
10 established first paper civil filing fee at the time an entry of civil  
11 judgment is requested.

12 (c) If the registration of the vehicle has not been renewed for  
13 60 days beyond the renewal date, and the citation has not been  
14 collected by the department under Section 4760.2, the processing  
15 agency may file proof of unpaid penalties and fees with the court  
16 with the same effect as a civil judgment, as provided in subdivision  
17 (b).

18 SEC. 17. Section 40520.7 is added to the Vehicle Code, to  
19 read:

20 40520.7. The processing agency shall terminate proceedings  
21 on the notice of delinquent automated violation in any of the  
22 following cases:

23 (a) Upon receipt of collected penalties and administrative fees  
24 remitted by the department under Section 4762.1 for that notice of  
25 delinquent automated violation. The termination under this  
26 subdivision is by satisfaction of the automated violation penalty.

27 (b) If the notice of delinquent automated violation was returned  
28 to the processing agency under Section 4764.1 and five years have  
29 elapsed since the date of the violation. The termination under this  
30 subdivision is by the running of a statute of limitation of  
31 proceedings.

32 (c) The processing agency receives information, which it shall  
33 verify with the department, that the penalty has been paid to the  
34 department under Section 4762.1

35 SEC. 18. Section 40520.8 is added to the Vehicle Code, to  
36 read:

37 40520.8. The time limitation provided by law for  
38 commencement of a civil action for an automated violation shall  
39 be tolled from and after the date a notice of delinquent automated  
40 violation is filed with the department under subdivision (b) of



Section 40520.6 until the notice is returned to the processing agency under subdivision (b) of Section 4760.2, or Section 4761.1 or 4764.1, or is recalled by the processing agency under subdivision (d) of Section 40211.1.

SEC. 19. Section 40520.9 is added to the Vehicle Code, to read:

40520.9. (a) *The amount of the automated violation penalty for a civil violation that is recorded and cited under subdivision (h) of Section 21455.5 is an amount equal to the total bail for a violation of Section 21453, 21455, or 22101, as the case may be, as set forth in the uniform countywide schedule of bail. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts.*

(b) (1) All automated violation penalties collected by the processing agency, which may be the issuing agency, including process service fees and fees and collection costs related to civil debt collection, shall be *initially* deposited to the account of the issuing agency, except that those sums attributable to the issuance of a notice of automated violation by a peace officer of the Department of the California Highway Patrol shall be *initially* deposited in the account in the jurisdiction where the violation occurred.

~~(b)~~

(2) *Process service fees and fees and collection costs related to civil debt collection of the processing agency are in addition to the automated violation penalty, and shall be distributed to the processing agency. All amounts collected for automated violation penalties shall be distributed in the same manner as fines are distributed under Section 1463.001 of the Penal Code.*

(c) The processing agency shall prepare a report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with all other information that may be required by the issuing agency or the Controller. This report is a public record and shall be delivered to each issuing agency. Copies shall be made available, upon request, to the county auditor, the Controller, and the grand jury.

1 SEC. 20. Section 40520.10 is added to the Vehicle Code, to  
2 read:

3 40520.10. The processing agency shall deposit with the  
4 county treasurer all sums due the county as the result of processing  
5 an automated violation not later than 45 calendar days after the last  
6 day of the month in which the automated violation penalty was  
7 received.

8 SEC. 21. Section 40520.11 is added to the Vehicle Code, to  
9 read:

10 40520.11. (a) If the payment of the automated violation  
11 penalty is not received by the person authorized to receive a  
12 deposit of the penalty by the date fixed on the notice of automated  
13 violation, the processing agency shall deliver to the registered  
14 owner a notice of delinquent automated violation.

15 (b) Delivery of a notice of delinquent automated violation  
16 under subdivision (a) may be made by personal service or by  
17 first-class mail addressed to the registered owner, as shown on  
18 records of the department.

19 SEC. 22. Section 40520.12 is added to the Vehicle Code, to  
20 read:

21 40520.12. If the affidavit of nonliability is returned to the  
22 processing agency within 30 calendar days of the mailing of the  
23 notice of delinquent automated violation together with the proof  
24 of a written lease or rental agreement between a bona fide rental  
25 or leasing company, and its customer which identifies the rentee  
26 or lessee and provides the driver's license number, name, and  
27 address of the rentee or lessee, the processing agency shall serve  
28 or mail to the rentee or lessee identified in the affidavit of  
29 nonliability a notice of delinquent automated violation. If payment  
30 is not received within 21 calendar days from the date of issuance  
31 of the citation or 14 calendar days after the mailing of the notice  
32 of delinquent automated violation, the processing agency may  
33 proceed against the rentee or lessee under Section 40520.6.

34 SEC. 23. Section 40520.13 is added to the Vehicle Code, to  
35 read:

36 40520.13. (a) If the registered owner, or an agent of the  
37 registered owner, or a rentee or lessee who was served with the  
38 notice of delinquent automated violation under Section 40520.11  
39 or Section 40520.12, or any other person who presents the notice  
40 of automated violation or notice of delinquent automated violation



1 after the notice of delinquent automated violation has been issued  
2 for delivery under Section 40520.11, deposits the automated  
3 violation penalty with a person authorized to receive it, the  
4 processing agency shall do both of the following:

5 (1) Deliver a copy, including, but not limited to, a photostatic  
6 copy, of one of the following:

7 (A) The notice of delinquent automated violation issued under  
8 Section 40520.11.

9 (B) A true and correct abstract containing the information set  
10 forth in the notice of automated violation, if the citation was issued  
11 electronically.

12 (C) An electronically reproduced listing of the citation  
13 information presented in the notice of delinquent automated  
14 violation, if the issuing agency records the name, address, and  
15 driver's license number of the person given the copy described in  
16 subparagraph (A).

17 (2) Determine whether the notice of delinquent automated  
18 violation has been filed with the department under subdivision (b)  
19 of Section 40520.6 or a civil judgment has been entered under  
20 Section 40520.6.

21 (b) If the notice of delinquent automated violation has not been  
22 filed with the department or judgment entered and payment of the  
23 automated violation penalty, including all applicable assessments,  
24 is received, the delinquent automated violation proceedings shall  
25 terminate.

26 (c) If the notice of delinquent automated violation has been  
27 filed with the department, has been returned under subdivision (b)  
28 or (c) of Section 4760.2 or Section 4764.1, and payment of the  
29 automated ~~red-light~~ violation penalty together with the  
30 administrative service fee of the processing agency for costs of  
31 service and all applicable assessments is received, the delinquent  
32 automated violation proceeding shall terminate.

33 (d) If the notice of delinquent automated ~~red-light~~ violation has  
34 been filed with the department and has not been returned under  
35 Section 4760.2, 4762.1, and 4764.1, and payment of the  
36 automated ~~red-light~~ violation penalty for, and all applicable costs  
37 of, service in connection with civil debt collection, is received by  
38 the processing agency, the processing agency shall do all of the  
39 following:



- 1 (1) Deliver a certificate of payment to the registered owner, the
- 2 agent, the lessee, or the rentee or other person making the payment.
- 3 (2) Immediately transmit the payment information to the
- 4 department in the manner prescribed by the department.
- 5 (3) Terminate proceedings on the notice of delinquent
- 6 automated violation.
- 7 (4) Transmit for deposit all automated violation penalties and
- 8 assessments in accordance with law.

